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10/517,001	05/31/2005	Petri Ahonen	915-013.005	8749
4955 7590 03/25/2008 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468				
EXAMINER				
NAM, HYUN				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/517,001

**Applicant(s)**

AHONEN, PETRI

**Examiner**

Hyun Nam

**Art Unit**

2184

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Invoked - 35 USC § 112 6<sup>th</sup>***

Claims 11, 17, and 18 have invoked 35 U.S.C. 112, sixth paragraph.

***Claim Rejections - 35 USC § 112 2nd***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 and 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the network" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the network" in line 4. There is insufficient antecedent basis for this limitation in the claim.

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Applicant is required to review the claim and correct all language which does not comply with 35 U.S.C. § 112, second paragraph.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Toyoshima, (U.S. Publication 2002/0087759) hereinafter Toyoshima '759.

Referring to claim 1, Toyoshima '759 teaches, as claimed, a method comprising:

receiving update data (new code, see Paragraph 17, Lines 16-17) from a network unit (see Fig. 1, Transceiver Circuit 20) at a mobile device (see Fig. 1, Wireless Module 200) of the network (wireless or cellular network, see Fig. 1, Antenna 10), wherein a logic, external memory unit (peripheral device, see Paragraph 15, Line 14) is connected with the mobile device,

transferring the update data from the mobile device to the external memory unit (transferred to peripheral device for storage, see Paragraph 17, Lines 16-17),

storing the update data in the external memory unit of the mobile device (stored in the peripheral device, see Paragraph 17, Lines 16-17),

programming the stored update data (a code update process, see Paragraph 17, Line 10, and Fig. 2, Steps 220 to 260) in a permanent memory unit (loading the primary code to DRAM 90, see Paragraph 21, Line 8; Note, DRAM 90 and NAND Flash 80 are permanent memory units because unlike the peripheral device, they are not removable) of the mobile device, according to programming logics (see Fig. 1, Microprocessor 70; Note, there is a programming logic to conduct update process) provided by the mobile device, and

updating a firmware (see Paragraph 17, Line 10, Fig. 2, and Fig. 3; Note, the primary code is a final firmware that is loaded and executed as a firmware in this wireless module) of a mobile device (a wireless telephone, see Paragraph 16, Line 7) according to the update data (see Fig. 3, Primary Mark 350).

As to claim 2, Toyoshima '759 teaches a method according to claim 1, wherein the method comprises a step of transmitting the update data (new code, see Paragraph 17,

Lines 16-17) from the network unit (see Fig. 1, Transceiver Circuit 20) to the mobile device (see Fig. 1, Wireless Module 200) as a response to a certain function (receives a signal, see Paragraph 16, Lines 1-3) that triggers the transmission, said function being one of the following (Note, Toyoshima '759 teaches at least one of the following alternative functions):

choosing from a menu of the network unit by a user,

choosing from a menu of the mobile device by a user,

an appearing of new update data to the network unit (see Fig. 3, Release Date 340; Note, when new version of update data is available then network sends out the data on the release date), or

an outdating of the firmware of the mobile device.

As to claim 3, Toyoshima '759 teaches a method according to claim 1, wherein the logic, external memory unit (peripheral device, see Paragraph 15, Line 14) is connected to the mobile device (a wireless telephone, see Paragraph 16, Line 7) by means of an external memory bus (I/O interface, see Paragraph 15, Lines 13-15).

As to claim 4, Toyoshima '759 teaches a method according to claim 1, wherein the method comprises a step of transmitting the update data (new code, see Paragraph 17, Lines 16-17) by the mobile device (see Fig. 1, Wireless Module 200), where the update data is converted to be compatible (see Fig. 1, Baseband Signal Processor; Note, a signal converted to be compatible with digital format) with the memory unit (see Fig. 1, DRAM 90) and with the memory bus (see Fig. 1, a bus/connections between Micro Processor 70 and DRAM 90) to be connected thereto, after which the converted update data is transmitted to the external memory unit (peripheral device, see Paragraph 15, Line 14) along the memory bus.

As to claim 5, Toyoshima '759 teaches a method according to claim 1, wherein the method comprises a transmitting the update data (new code, see Paragraph 17, Lines 16-17) by a mobile device (see Fig. 1, Wireless Module 200), through which the update data is directly transmitted (see Paragraph 15, Line 14) further to the external memory bus (I/O interface, see Paragraph 15, Lines 13-15) of the mobile device along a memory bus.

As to claim 6, Toyoshima '759 teaches a method according to claim 1, wherein the method comprises programming the update data (new code, see Paragraph 17, Lines 16-17) stored in the external memory unit (peripheral device, see Paragraph 15, Line 14) in the mobile device (see Fig. 1, Wireless Module 200), when the mobile device is

switched on for the next time (Note, updating occurs when system is switched on or enabled state).

As to claim 7, Toyoshima '759 teaches a method according to claim 1, wherein the method comprises a step of copying the programming logics (loading the primary code, see Paragraph 21, Lines 7-9) for programming the update data from an external memory unit (peripheral device, see Paragraph 15, Line 14) to the permanent memory unit (see Fig. 1, NAND Flash 80) of the mobile device prior to programming (see Paragraph 18, Lines 14-15) the update data.

As to claim 8, Toyoshima '759 teaches a method according to claim 1, wherein the method comprises a step of storing the programming logics (loading the primary code, see Paragraph 21, Lines 7-9) for updating the update data (new code, see Paragraph 17, Lines 16-17) from the permanent memory unit (see Fig. 1, NAND Flash 80) of the mobile device to a random access memory (see Fig. 1, DRAM 90) of the mobile device prior to programming the update data.

As to claim 9, Toyoshima '759 teaches an arrangement comprising:

an external memory unit (peripheral device, see Paragraph 15, Line 14) arranged to store an update data (new code, see Paragraph 17, Lines 16-17),



a connection interface (I/O interface, see Paragraph 15, Lines 13-15) arranged to transmit the update data from a network unit (see Fig. 1, Transceiver Circuit 20) to a mobile device (see Fig. 1, Wireless Module 200) and further to the external memory unit of the mobile device, and

a control unit (see Fig. 1, Microprocessor 70) arranged to program the stored update data to a permanent memory unit (see Fig. 1, NAND Flash 80) of the mobile device by means of a programming driver (a code update process, see Paragraph 17, Line 10, and Fig. 2, Steps 220 to 260) provided by the mobile device, and wherein the control unit is further arranged to update a firmware (see Paragraph 17, Line 10, Fig. 2, and Fig. 3; Note, the primary code is a final firmware that is loaded and executed as a firmware in this wireless module) of the mobile device (a wireless telephone, see Paragraph 16, Line 7).

As to claims 10-13, they are directed to an arrangement/system to implement the method as set forth in claims 3, 4, 7, and 8 respectively. Therefore, they are rejected on the same basis as set forth hereinabove.

As to claims 14 and 15, they are directed to a mobile device implemented in the arrangement as set forth in claim 9. Therefore, they are rejected on the same basis as set forth hereinabove.

As to claims 17 and 18, they are directed to an arrangement/system implemented in the method as set forth in claim 1 and 3 respectively. Therefore, they are rejected on the same basis as set forth hereinabove.

### ***Response to Arguments***

Applicant's arguments filed 1/18/2008 have been fully considered but they are not deemed to be persuasive.

Regarding the objection to arrangement of the specification, Applicant's response has overcome the objection.

Regarding the objections to informalities in the claims, Applicant's response has overcome the objections.

**Applicant argues, the Toyoshima reference merely concerns an external programming device, which does not teach or suggest any of the following features claimed by the present application:**

- (1) the data transfer occurs via the mobile device;**
- (2) an external memory is connected to the mobile device so that programming logics of claim 1, and the control unit of claim 9, can**

**use the external memory to perform the firmware update of the mobile device; and**

**(3) the programming logics are provided by the mobile device itself.**

Examiner disagrees with applicant. Toyoshima '759 does teach the mobile device that conduct data transferring activities. The Wireless Module 200, which converts analog signal into a digital signal, transfers data to NAND Flash, User Interface, DRAM, and peripheral device (via I/O interface). One of embodiment, Toyoshima '759 discloses that this Wireless Module 200 will be implemented by a wireless telephone (see Paragraph 16, Line 7). Although, not shown in the figure, Toyoshima '759 discloses that the peripheral device with I/O interface will be implemented as removable data storage (see Paragraph 7). Also, Toyoshima '759 discloses an embodiment where new code or firmware update will be stored and operated on from this peripheral device (see Paragraph 17, Lines 16-17). Finally, Toyoshima '759 clearly discloses programming logics (flow logic, see Fig. 2 and Fig. 4) that operates under the control of Micro Processor 70 (see Fig. 1).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hyun Nam whose telephone number is (571) 270-1725. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:00 PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Henry Tsai can be reached on (571) 272-4176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ilwoo Park/

Primary Examiner, Art Unit 2182